

U.S. DISTRICT COURT, S. D.
N. Y. - 1912

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WILLIAM D. GARDNER

No. 808 215

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1912

WILLIAM J. DUNN, Appellant,

vs.
FRANK G. KENNEDY, Warden.

APPEAL FROM THE DISTRICT COURT OF THE
UNITED STATES FOR THE NORTHERN
DISTRICT OF GEORGIA.

WRITEN BY APPELLANT TO ADVANCE

In the Supreme Court of the United States

OCTOBER TERM, 1919.

WILLIAM J. GIVENS, Appellant,

v.

FRED G. ZERIST, Warden.

No. 808.

*APPEAL FROM THE DISTRICT COURT OF THE
UNITED STATES FOR THE NORTHERN
DISTRICT OF GEORGIA.*

MOTION BY APPELLANT TO ADVANCE.

Now comes William J. Givens, Appellant in the above cause, by John S. Strahorn, his Attorney, and respectfully moves the advancement of his case for early hearing during the present term.

The appeal in this case was taken from a judgment of the United States District Court for the Northern District of Georgia (Sibley, J.), dated February 2nd, 1920, discharging the writ of *habeas corpus* theretofore granted and remanding the appellant to the custody of the Appellee, the Warden of the United States Penitentiary at Atlanta, Georgia, in whose custody he now is.

Appellant filed his petition in the lower court, seeking his discharge from custody of the said Warden, under a ten (10) year sentence, beginning May 2nd, 1919, pronounced against him by court-martial in 1918.

Said petition alleged, in substance, that the trial before said court-martial was illegal and void, for the reasons: (1) That said court-martial was not legally appointed; (2) that it had no jurisdiction over the crime alleged; and (3) that no jurisdiction was shown over the person of the accused; and that his confinement was unlawful, since it was not awarded in accordance with the requirements of the findings of the said court-martial; in consequence of which illegal trial and confinement petitioner was deprived of his liberty in violation of the Constitution and laws of the United States; all of which contentions were denied by the lower court in said judgment of February 2nd, 1920, and the appeal herein seeks a reversal thereof, to the end that he may go free.

Notice of this motion has been served by mailing copy hereof to the Solicitor General.

JOHN S. STRAUBER,

Attorney for Appellant.

TROUTMAN & FREEMAN,

Of Counsel.

MARCH 29, 1920.

